THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 13734 OF 2005

BETWEEN:

Parimi Subba Rao son of Sri Venkanna

…Petitioner

vs.

The Regional Joint Commissioner of Endowments, Kakinada and two others.

…Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 13734 OF 2005

ORAL ORDER:

Admittedly the petitioner does not have a current and operative lease for the lands of the 3rd respondent-Endowment Institution. Proceedings u/Sec. 83 of the AP Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short 'the Act') to evict the petitioner as an encroacher were initiated at the instance of the Assistant Commissioner, Endowments, Kakinada before the 2nd res, in OA NO. 145

of 1999. By the order dated 16.3.2002 the 2nd respondent concluded that the petitioner was an encroacher and directed eviction of the petitioner from the property, while directing that he should hand over the vacant possession of the same to the Institution within the specified period. Aggrieved thereby the petitioner preferred a revision R.P. No.15 of 2005 before the 1st respondent. The 1st respondent by the order impugned dated 12.5.2005 concurred with the conclusions of the primary authority – the 2nd respondent that the petitioner was an encroacher and rejected the revision.

In this writ petition the petitioner reiterates the self-same grounds as have found disfavour concurrently by the authorities below. The issue concerns a dead question of fact. The petitioner is an encroacher and there is no escape from this conclusion. The concurrent findings of the authorities below are impeccable and warrant no interference.

The writ petition is without merits and dismissed at the stage of admission. No order as to costs.

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GODA RAGHURAM,J

17TH APRIL 2006

*TSNR/PVSN